

# LICENSING ACT SUB COMMITTEE

Wednesday, 8 May 2024

Present: Councillor A Hodson (Chair)

Councillors S Bennett C Cooke

## 1 APPOINTMENT OF CHAIR

**Resolved – That Councillor Andrew Hodson be appointed Chair for this meeting.**

## 2 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non-pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

## 3 APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 -THE RED FOX, NESTON ROAD, THORNTON HOUGH, CH64 7TL

The Licensing Manager introduced the report which was an application to vary a Premises Licence under the provisions of the Licensing Act 2003. The application was made by Brunning and Price Limited and related to the premises known as The Red Fox, Neston Road, Thornton Hough, CH64 7TL.

It was reported that the premises currently have a Premises Licence which permitted the hours outlined within the report. The hours applied to vary the Premises Licence were set out within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

In respect of the application, three representations had been received from local residents. The representation related to noise nuisance and increased traffic and speeding through the village. Copies of the representations were available.

The applicant attended the meeting together with their legal representative, there were no local residents in attendance. The Licensing Manager confirmed that all documentation had been sent and received.

The applicant's legal representative reported that the application was limited in its nature, there was no intention to extend the hours that were currently in operation on the premises, simply to include the outside garden area within the licence. It was outlined that the venue had successfully submitted Temporary Event Notices regularly over the previous years to permit the sale of alcohol in the outside area for annual gin, beer and cider festivals and the applicant would prefer to extend the area of the licence rather than continue to submit such notices. The legal representative stated that there had been consultation with the police and Environmental Health and there had been no objections from either of these authorities and they would be content with the licence as drafted in the application.

The applicant's representative provided details of the proposed conditions to be added to the premises licence which included CCTV usage and staff training on CCTV, written risk assessments for regulated entertainment and training for staff regarding the Licensing Act 2003, responsible retailing of alcohol and the protection of children from harm and how to competently check customer ID. It was outlined that staff would not be permitted to supply alcohol without having completed said training.

In response to the representations made by local residents, it was reported that there was some misunderstanding as to the nature of the application, it was not to have live music outdoors until 3am whereas the application was to licence the external part of the premises to enable alcohol to be sold. The Licensing manager did note that under the Live Music Act 2012 there could be live or recorded music outside until 11pm for an audience under 500 but the applicant stated there were no plans to have any music on after 10pm. With regard to the representations pertaining to traffic and speeding in the village, the applicant's representative stated that under the Licensing Act 2003 people were responsible for their own actions by law beyond the premises, however, consultation with the police and environmental health had taken place and both authorities were content with the application.

In response to questions from Members of the Sub-Committee, and the legal advisor to the Panel, the applicant's representative confirmed that alcohol would not be sold in the outdoor area past 11pm and that written risk assessments would be completed whenever any event such as screening football or boxing matches may be put on to ascertain whether a change in demographic could lead to noise pollution.

In coming to their decision, Members gave consideration to the submissions made by the applicant's legal representative, in particular that there was no intention to change the operating hours of the license.

In determining the application Members gave consideration to the representation made by the local residents however Members had to have regard to the statutory guidance issued under the Licensing Act 2003 that their decision must be evidenced based.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities, in particular Merseyside Police and Environmental Health. Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

The Sub-Committee also took into consideration that there had been no complaints at any of the previous events that had operated under a Temporary Event Notice. Members resolved that where there was reference to regulated entertainment in the application, the condition would now read entertainment.

**Resolved – That**

- (1) the application to vary the Premises Licence in respect of The Red Fox, Neston Road, Thornton Hough, CH64 7TL be granted.**
- (2) Condition 7 be amended to read Customers shall not be permitted to consume food and/or drink to the external areas of the premises after 22:00hours daily.**